

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE – NASHVILLE DIVISION**

IN RE:	
Christopher Charles White, Debtor,	CASE NO. 16-05097-RM3-7 CHAPTER 7 JUDGE Randal S. Mashburn
John C. McLemore, Trustee, Movant,	
Christopher Charles White and Heather Proffitt White, Respondents.	

**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: 10/7/16
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: 11/1/16, 9:00 A.M.,
COURTROOM ONE, 701 BROADWAY, NASHVILLE, TN 37203**

NOTICE OF MOTION FOR TURNOVER OF COMPUTER DATA

John C. McLemore, Trustee, has asked the Court for the following: Motion for Turnover of Computer Data.

YOUR RIGHTS MAY BE AFFECTED. If you do not want the Court to grant the attached motion, or if you want the Court to consider your views on the motion, then on or before 10/7/16, you or your attorney must:

1. File with the Court your response or objection explaining your position. **PLEASE NOTE: THE BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE REQUIRES ELECTRONIC FILING. ANY RESPONSE OR OBJECTION YOU WISH TO FILE MUST BE SUBMITTED ELECTRONICALLY. TO FILE ELECTRONICALLY, YOU OR YOUR ATTORNEY MUST GO TO THE COURT WEBSITE AND FOLLOW THE INSTRUCTIONS AT: <https://ecf.tnmb.uscourts.gov>.**

If you need assistance with Electronic Filing, you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: U.S. Bankruptcy Court, 701 Broadway, 1st Floor, Nashville, Tennessee (Monday – Friday, 8:00 a.m. – 4:00 p.m.).

2. **Your response must state that the deadline for filing responses is 10/7/16, the date of the scheduled hearing is 11/1/16 and the motion to which you are responding is *Motion for Turnover of Computer Data*.**
3. You must serve your response or objection by electronic service through the Electronic Filing system described above. You must also mail a copy of your response or objection to:

John C. McLemore, Trustee
2000 Richard Jones Rd., Ste. 250
Nashville, TN 37215-8249

United States Trustee
701 Broadway, Customs House Suite 318
Nashville, TN 37203

If a timely response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. ***THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.*** You may check whether a timely response has been filed by calling the Clerk's office at (615) 736-5584 or viewing the case on the Court's website at www.tnmb.uscourts.gov.

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

This 16th day of September, 2016.

Respectfully submitted,

/s/ John C. McLemore, Trustee
John C. McLemore, Trustee
Tn. Bar No. 3430
2000 Richard Jones Rd., Ste. 250
Nashville, TN 37125
(615) 383-9495 (phone)
(615) 292-9848 (fax)
jmclemore@gmylaw.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE – NASHVILLE DIVISION**

IN RE:	
Christopher Charles White, Debtor,	CASE NO. 16-05097-RM3-7 CHAPTER 7 JUDGE Randal S. Mashburn
John C. McLemore, Trustee, Movant,	
Christopher Charles White and Heather Proffitt White, Respondents.	

TRUSTEE’S MOTION FOR TURNOVER OF COMPUTER DATA

The Trustee, John C. McLemore, moves the Court pursuant to 11 U.S.C. §542 for the entry of an order authorizing him to view and use in the administration of this bankruptcy estate computer data maintained by the Debtor, Christopher Charles White, and his wife, Heather Proffitt White, who is not a debtor in bankruptcy. In support of this motion, the Trustee says:

1. The Debtor filed his voluntary petition in bankruptcy July 20, 2016. John C. McLemore was appointed Trustee of his estate on the same day.
2. On Schedule F attached to his voluntary petition, the Debtor listed approximately 130 former customers. He contends their claims are all “contingent, disputed and unliquidated.” The amount owed each former customer is posted as \$0.00.
3. Also on Schedule F the Debtor listed a large group of what appear to be vendors to the construction industry and subcontractors. They are owed a total of \$2,731.363.34.
4. On the Statement of Financial Affairs at Part 11, Item 27, “Give details about your business or connections to any business,” the Debtor stated he had been a sole proprietor or self-employed and that he had been an officer, director or managing executive of a corporation all during the past four years.
5. The Debtor listed his involvement in two businesses, Countrywide Barns and Buildings, Inc. of Pleasant View, TN and Majestic Builders, Inc. of Chapmansboro,

TN. He listed the nature of each business as "contractor." Heather White was listed as the accountant or bookkeeper for Majestic Builders.

6. Having first made an appointment with the Debtor, on September 14, 2016, the Trustee sent his investigator, Mike Curry, and a local auctioneer, Bobby Colson, to inspect and inventory the furniture, fixtures, equipment, tools, vehicles, household goods and all other personal property at the Debtor's home, 3018 Highway 12 North, Ashland City, Cheatham County, TN 37015.
7. While on the premises and at the specific direction of the Trustee, Mike Curry asked for the turnover of all of the Debtor's financial records including but not limited to the computer on which the books were kept along with all necessary passwords to access the bookkeeping programs.
8. The Debtor was willing to allow the Trustee to copy his QuickBooks program but was not willing to allow the Trustee to access other information on the subject computer. The Debtor contended the computer contained information subject to the attorney-client privilege and files maintained by his wife who is not in bankruptcy.
9. The Trustee was not present at the Debtor's house but was kept abreast of the situation by telephone. The Trustee directed Mike Curry to call LogicForce Consulting, a local expert in computer forensics, and make arrangements for the capture of a mirror image of the computer hard drive.
10. Ultimately an agreement was reached that LogicForce Consulting would be allowed to make the mirror image and hold it as evidence not available to the Trustee until the dispute was resolved by the Court. LogicForce Consulting has a mirror image of the computer hard drive at its offices awaiting the outcome of this motion.
11. An investigation of the Debtor's business operations is essential to the proper administration of this estate. The Debtor has identified the computer on which the business records were kept and the Debtor has identified his wife, Heather White as a bookkeeper for one of his businesses.
12. It is the position of the Trustee that if the Debtor did not want his wife's personal computer files to be subject to an investigation of his businesses, her files should not have been comingled with the business records.

13. The Debtor has a duty pursuant to 11 U.S.C. §521(a)(4) if a trustee is serving in the case to surrender to the trustee all property of the estate and any recorded information, including books, documents, records, and papers, relating to property of the estate. While the Trustee has a duty pursuant to 11 U.S.C. §704(a)(4) to investigate the financial affairs of the Debtor.

WHEREFORE, the Trustee prays that the Court enter an order allowing the Trustee full access to the information contained on the mirror copy of the Debtor's computer hard drive.

The Trustee further prays that Christopher and Heather White be ordered to furnish to the Trustee all usernames and corresponding passwords necessary to access all files on the hard drive.

The Trustee prays for such other and further relief as may be just.

Dated this 16th day of September, 2016.

Respectfully submitted,

/s/ John C. McLemore, Trustee

John C. McLemore, Trustee

Tn. Bar No. 3430

2000 Richard Jones Rd., Ste. 250

Nashville, TN 37215

(615) 383-9495 (phone)

(615) 292-9848 (fax)

jmclmore@gmylaw.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE - NASHVILLE DIVISION**

IN RE:	
Christopher Charles White, Debtor,	CASE NO. 16-05097-RM3-7 CHAPTER 7 JUDGE Randal S. Mashburn
John C. McLemore, Trustee, Movant,	
Christopher Charles White and Heather Proffitt White, Respondents.	

ORDER DIRECTING TURNOVER OF COMPUTER DATA

Upon consideration of the notice and motion of John C. McLemore, Trustee, for authority for him to view and use in the administration of this bankruptcy estate computer data maintained by the Debtor, Christopher Charles White, and his wife, Heather Proffitt White;

And, a copy of the Motion for Turnover having been served on the Debtor, Heather Proffitt White, Debtor's counsel, the U.S. Trustee and all parties in interest requesting service;

And, each having been given 21 days in which to object;

And, no objections having been filed;

It is hereby **ORDERED** that John C. McLemore, Trustee, is authorized to have full access to the information contained on the mirror copy of the Debtor's computer hard drive maintained by LogicForce Consulting. Christopher Charles White and Heather Proffitt-White will furnish to the Trustee all usernames and corresponding passwords to access all files on the mirror copy of the Debtor's computer hard drive.

This Order was signed and entered electronically as indicated at the top of this page.

APPROVED FOR ENTRY:

/s/ John C. McLemore, Trustee

John C. McLemore, Trustee

Tn. Bar No. 3430

2000 Richard Jones Rd., Ste. 250

Nashville, TN 37215

(615) 383-9495 (phone)

(615) 292-9848 (fax)

jmclmore@gmylaw.com

Proposed

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE - NASHVILLE DIVISION**

IN RE:	
Christopher Charles White, Debtor,	CASE NO. 16-05097-RM3-7 CHAPTER 7 JUDGE Randal S. Mashburn
John C. McLemore, Trustee, Movant,	
Christopher Charles White and Heather Proffitt White, Respondents.	

CERTIFICATE OF SERVICE

I hereby certify that on the date noted below, a true and correct copy of the foregoing listed below was either served electronically or placed in the U.S. Mail, postage prepaid to the U.S. Trustee, 701 Broadway, Customs House Suite 318, Nashville, TN 37203; Debtor, Christopher Charles White, 3018 Hwy. 12 N, Ashland City, TN 37015; Heather Proffitt White 3018 Hwy. 12 N, Ashland City, TN 37015 and to Debtor's attorney, Jon Daniel Long, 302 42nd Ave. No., Nashville, TN 37209.

This 16th day of September, 2016.

Respectfully submitted,

/s/ John C. McLemore, Trustee
John C. McLemore, Trustee
Tn. Bar No. 3430
2000 Richard Jones Rd., Ste. 250
Nashville, TN 37215
(615) 383-9495 (phone)
(615) 292-9848 (fax)
jmclemore@gmylaw.com

Attachments:

- (1) Notice of Trustee's Motion for Turnover of Computer Data
- (2) Trustee's Motion for Turnover of Computer Data
- (3) Order Directing Turnover of Computer Data